

Office of the  
Legislative Fiscal Analyst

## **FY 2002 Budget Recommendations**

Joint Appropriations Subcommittee for  
Capital Facilities and Administrative Services

Utah Department of Administrative Services  
**Judicial Conduct Commission**

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**1.0 Summary: Judicial Conduct Commission**

The Judicial Conduct Commission is a quasi-independent agency that investigates and resolves complaints against Utah judges.

The Commission is comprised of 11 members who represent the legal profession, the Legislature, the Judicial Branch and private citizens. Four members are Legislators, three are attorneys for the Bar Commission, two are judges (although only one has voting authority) and two are citizens appointed by the Governor.

A Constitutional Amendment passed in 1984 established the Commission as part of Article VIII, Section 13 of the Utah Constitution. Commission composition is defined in Utah Code Section 78-7-27.

**Financial Summary**

	<b>Analyst FY 2002 Base</b>	<b>Analyst FY 2002 Changes</b>	<b>Analyst FY 2002 Total</b>
<b>Financing</b>			
General Fund	220,300		220,300
Beginning Nonlapsing	10,100		10,100
<b>Total</b>	<u>\$230,400</u>	<u>\$0</u>	<u>\$230,400</u>
<b>Programs</b>			
Judicial Conduct Commission	230,400		230,400
<b>Total</b>	<u>\$230,400</u>	<u>\$0</u>	<u>\$230,400</u>
<b>FTE/Other</b>			
Total FTE	2		2

## **2.0 Issues:**

### **2.1 Powers of the Judicial Conduct Commission**

The Judicial Conduct Commission is made up of lawyers, legislators and citizens. Their role is to review complaints against justices or judges. In July of 1998, the Utah Supreme Court ruled that allowing Legislators to serve on the committee violated the separation of powers provision of Article V of the Utah Constitution.

As the Legislative Session began in 1999, the Supreme Court issued an opinion reversing itself on the issue. After reviewing evidence supplied by the Legislature and the Governor that voters intended for Legislators to serve on the Commission, the Justices reversed their previous decision and allowed the four Legislators to return to the Commission.

### 3.0 Programs: Judicial Conduct Commission

#### 3.1 Judicial Conduct Commission

The Judicial Conduct Commission consists of a Director and an Administrative Assistant who investigate and resolve complaints against Utah judges. The staff manages claims, assigns inspectors, and prosecutes judges when necessary. Approximately 85 percent of all claims result in dismissal, ten percent are resolved through formal correspondence and five percent receive a formal hearing.

#### Recommendation

The Analyst recommends a level budget after carry forward balances are removed.

	2000 Actual	2001 Estimated	2002 Analyst	Est/Analyst Difference
<b>Financing</b>				
General Fund	219,700	225,000	220,300	(4,700)
Beginning Nonlapsing	45,400	39,500	10,100	(29,400)
Closing Nonlapsing	(39,500)	(10,100)		10,100
<b>Total</b>	<u>\$225,600</u>	<u>\$254,400</u>	<u>\$230,400</u>	<u>(\$24,000)</u>
<b>Expenditures</b>				
Personal Services	182,700	192,200	187,800	(4,400)
In-State Travel	3,800	3,800	3,800	
Out of State Travel	2,200	2,200	2,200	
Current Expense	34,700	54,000	34,400	(19,600)
DP Current Expense	2,200	2,200	2,200	
<b>Total</b>	<u>\$225,600</u>	<u>\$254,400</u>	<u>\$230,400</u>	<u>(\$24,000)</u>
<b>FTE/Other</b>				
Total FTE	2	2	2	

Current expense in this budget is used to hire outside investigators and temporary employees based on case load. Since caseload varies from year to year, the Analyst recommends the following intent Language:

*It is the intent of the Legislature that funds for the Judicial Conduct Commission not lapse*

#### 3.2 Annual Report

The Judicial Conduct Commission is required to file an annual report. The report follows the 4.0 section of this document.

**4.0 Additional Information: Judicial Conduct Commission**

	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>Financing</b>	<b>Actual</b>	<b>Actual</b>	<b>Actual</b>	<b>Estimated</b>	<b>Analyst</b>
General Fund	211,000	216,700	219,700	225,000	220,300
Beginning Nonlapsing	24,200	47,600	45,400	39,500	10,100
Closing Nonlapsing	(47,600)	(45,400)	(39,500)	(10,100)	
<b>Total</b>	<b>\$187,600</b>	<b>\$218,900</b>	<b>\$225,600</b>	<b>\$254,400</b>	<b>\$230,400</b>
<b>Programs</b>					
Judicial Conduct Commission	187,600	218,900	225,600	254,400	230,400
<b>Total</b>	<b>\$187,600</b>	<b>\$218,900</b>	<b>\$225,600</b>	<b>\$254,400</b>	<b>\$230,400</b>
<b>Expenditures</b>					
Personal Services	152,900	166,000	182,700	192,200	187,800
In-State Travel	1,800	2,400	3,800	3,800	3,800
Out of State Travel	600	2,100	2,200	2,200	2,200
Current Expense	32,100	47,000	34,700	54,000	34,400
DP Current Expense	200	1,400	2,200	2,200	2,200
<b>Total</b>	<b>\$187,600</b>	<b>\$218,900</b>	<b>\$225,600</b>	<b>\$254,400</b>	<b>\$230,400</b>
<b>FTE/Other</b>					
Total FTE	2	2	2	2	2